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jc784 U.S. PTO  
09/736554  
12/13/00

December 12, 2000

Dear Sir:

Information Disclosure Statement Of A System And Method For Distributing In Real-Time, Inventory Data  
Acquired From In-Store Point Of Sale Terminals

Pursuant to the guidelines for Information Disclosure Statements set forth in 37 C.F.R. Sections 1.97-1.99 and MPEP Section 609, Applicant submits herewith patents, publications and other information of which he is aware, which is believed to may be material to the examination of this application and in respect of which there may be a duty of disclosure in accordance with 37 CFR 1.56.

A list of patents and publications is set forth on the attached Form "Information Disclosure Statement by Applicant." A copy of each item listed is supplied herewith.

**Cupps, et al, U.S. Patent 5,991,739**, uses an online ordering system that associates take-out restaurant merchants with geocodes and places and confirms orders through a telephone call using voice recognition.  
**Peckover U.S. Patent 6,119,101** explains the disadvantages with the current state of the art in electronic commerce.  
**Dworkin U.S. Patent 4,992,940** describes an online ordering and inventory control system using a database.  
**Yamamoto et al., U.S. Patent 5,854,746** describes a method for collecting retail sales information and determining a quantity of raw materials needed in the production process to replenish the sold items according to the information collected.

**Yahoo!**, <http://store.yahoo.com/trinv.html>, explains the method for real-time inventory transmission to an online store for merchants who are running their own dedicated we server. **Silwa** in *Dot-Coms Seek Synergy With Retail Parents* explains the needs and the challenges of integrating the brick-and-mortar store with the online store. **Schwartz** in *Brick-And-Mortars Take The E-Commerce Plunge* discusses the technological and managerial obstacles faces by traditional brick-and-mortar merchants in establishing an e-commerce presence.

None of the systems shown have the ability to transmit real-time inventory data from a retail point-of-sale device using a non-permanent Internet connection to a remote web server and database for access by a requesting customer, as described in claims 1 to 3 and 6 to 7.

To the contrary, the references show a system (**Dworkin**) in which computer equipment is ordered by a customer using a database containing a plurality of merchants who sell the specified items, but there is no means of transmitting the actual number of a particular item in any merchant's inventory as the item is sold at the retail point-of-sale device, to the purchasing customer, as described in claims 3 to 5 and 6. Therefore, without the ability to update the actual number of items in inventory in real-time, a purchasing customer may be ordering an item that is out-of-stock or discontinued by the merchant; delaying the time the customer will receive the desired item.

The **Cupps** invention relies on a system placing a telephone call to the merchant to transmit the customer's order and then uses voice recognition software to translate the merchant's answer of whether to accept or deny the order into an electronic message that is transmitted back to the system and displayed for the customer. This technique is less efficient and more prone to error because of the basic inaccuracies of voice recognition and translation; to contrary of using standard network protocol transmission means to transmit inventory data, request data, and order data as in claims 2 and 6.

The **Yamamoto** invention focuses on implementing an algorithm to determine the amount of raw materials needed to replenish manufactured goods as they are sold, using information collected from retail sales; as opposed to claims 3, 5, and 6 to 8 which only transmit the current real-time inventory to determine if any particular merchant has the requested item in stock and ready for sale.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cung N. Phan', with a stylized, flowing script.

Cung N. Phan  
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Anaheim, CA 92807

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<b>Application Number</b>	
<b>Filing Date</b>	
<b>First Named Inventor</b>	Cung N. Phan
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	

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Examiner  
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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Substitute for form 1449B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				<b>Application Number</b>	
				<b>Filing Date</b>	
				<b>First Named Inventor</b> Cung N. Phan	
				<b>Group Art Unit</b>	
				<b>Examiner Name</b>	
<b>Sheet</b>	<b>1</b>	<b>of</b>	<b>1</b>	<b>Attorney Docket Number</b>	

<b>OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS</b>			
<b>Examiner Initials*</b>	<b>Cite No.<sup>1</sup></b>	<b>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.</b>	<b>T<sup>2</sup></b>
		YAHOO!; Real-time Inventory for Yahoo!Store; On-line Web page at <a href="http://store.yahoo.com/rtinv.html">http://store.yahoo.com/rtinv.html</a>	
		CAROL SLIWA; "Dot-Coms Seek Synergy with Retail Parents - Links to store, catalog systems remain rare"; ComputerWorld; V34, N5; January 31, 2000	
		EPHRAIM SCHWARTZ; "Brick-and-Mortars Take the E-commerce Plunge"; InfoWord; V22, Issue 14; April 3, 2000	

<b>Examiner Signature</b>		<b>Date Considered</b>	
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